

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

WALTERS METAL CORPORATION,

Plaintiff,

vs.

UNIVERSAL AM-CAN, LTD., THE MASON
AND DIXON LINES, INCORPORATED,
SLIDE-N-RIDE TRUCKING, INC., J & D
TRUCKING, INC., JC PILOT CAR
SERVICE, CAROLYN SCHAFFER, J.D.
DELANEY and CAREN RUTH VINSON,

Defendants.

Case No. 13-cv-1271-SMY

WALTERS METAL CORPORATION,

Plaintiff,

vs.

CARLA HENDRIX, ED HENDRIX,
EMERALD EQUIPMENT ESCORTS LLC,
SLIDE-N-RIDE TRUCKING, INC., J & D
TRUCKING, INC., CAREN RUTH VINSON,
J.D. DELANCY, MELINDA HILLENBERG
and CURTIS WELLS,

Defendants.

Case No. 15-cv-51-SMY-DGW

AMENDED MEMORANDUM AND ORDER

This matter comes before the Court on defendants J.D. Delancy, J & D Trucking, Inc., Slide-N-Ride Trucking, Inc., and Caren Ruth Vinson's (collectively "Defendants") Motion for Summary Judgment (Doc. 97). In its Amended Complaint (Doc. 19), Plaintiff alleged Carmack Amendment claims against each Defendant. Defendants argue they are entitled to judgment as a

matter of law as to those claims because they cannot be held liable under the Carmack Amendment. The Carmack Amendment applies only to motor carriers or freight forwarders - Defendants are neither. *See* 49 U.S.C. § 14706.

Pursuant to Local Rule 7.1, the Court construes Plaintiff's failure to timely file a response to Defendants' motion as an admission of its merits. Accordingly, the motion is **GRANTED**. Counts III, VIII, IX and X of Plaintiff's Amended Complaint are **DISMISSED with prejudice**. The Clerk of Court is directed to enter judgment accordingly at the close of this case. Plaintiff's Motion to Dismiss (Doc. 107) is **DENIED** as moot.

IT IS SO ORDERED.

DATED: July 30, 2015

s/ Staci M. Yandle
STACI M. YANDLE
DISTRICT JUDGE